TITLE 327 WATER POLLUTION CONTROL BOARD

PROPOSED RULE AS PRELIMINARILY ADOPTED
LSA Document #06-44

DIGEST

Amends 327 IAC 8-2-8, 327 IAC 8-2-24, 327 IAC 8-2.1-3, 327 IAC 8-2.1-10, and 327 IAC 8-2.1-16 and adds rule 327 IAC 8-2.1-14.5 concerning drinking water. Effective thirty (30) days after filing with the publisher.

HISTORY

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327 IAC 8-2-8
327 IAC 8-2-24
327 IAC 8-2.1-3
327 IAC 8-2.1-10
327 IAC 8-2.1-14.5
327 IAC 8-2.1-16

SECTION 1. 327 IAC 8-2-8 IS AMENDED TO READ AS FOLLOWS:

327 IAC 8-2-8 Collection of samples for total coliform bacteria testing
Authority: IC 13-13-5; IC 13-14-8-7; IC 13-14-9; IC 13-18-3; IC 13-18-16
Affected: IC 13-18

Sec. 8. (a) Public water systems must collect total coliform samples at sites ~~which~~ **that** are representative of water throughout the distribution system according to a written sample siting plan approved by the commissioner.

(b) The monitoring frequency for total coliforms for community water systems is based on the population served by the system and shall be as follows unless the commissioner determines that more frequent sampling is appropriate:

TOTAL COLIFORM MONITORING FREQUENCY
FOR COMMUNITY WATER SYSTEMS

Population Served	Minimum Number of Samples Per Month
25 to 1,000[1]	1
1,001 to 2,500	2
2,501 to 3,300	3
3,301 to 4,100	4
4,101 to 4,900	5
4,901 to 5,800	6
5,801 to 6,700	7
6,701 to 7,600	8
7,601 to 8,500	9
8,501 to 12,900	10
12,901 to 17,200	15
17,201 to 21,500	20
21,501 to 25,000	25
25,001 to 33,000	30
33,001 to 41,000	40
41,001 to 50,000	50
50,001 to 59,000	60
59,001 to 70,000	70
70,001 to 83,000	80
83,001 to 96,000	90
96,001 to 130,000	100
130,001 to 220,000	120
220,001 to 320,000	150
320,001 to 450,000	180
450,001 to 600,000	210
600,001 to 780,000	240
780,001 to 970,000	270
970,001 to 1,230,000	300
1,230,001 to 1,520,000	330

[1]Includes public water systems that have at least fifteen (15) service connections but serve fewer than twenty-five (25) persons.

If a community water system serving twenty-five (25) to one thousand (1,000) persons has no history of total coliform contamination in its current configuration and a sanitary survey conducted in the past five (5) years shows that the system is supplied solely by a protected ground water source and is free of sanitary defects, the commissioner may reduce the monitoring frequency specified in this subsection, in writing, except that in no case may the commissioner reduce the monitoring frequency to less than one (1) sample per quarter.

(c) The monitoring frequency for total coliforms for noncommunity water systems is as follows:

(1) A noncommunity water system:

(A) using only ground water (except ground water under the direct influence of surface water, as defined in ~~section 1(29)~~ **section 1(36)** of this rule); and

(B) serving one thousand (1,000) or fewer persons;

must monitor each calendar quarter that the system provides water to the public, except that the commissioner may reduce this monitoring frequency, in writing, if a sanitary survey shows that the system is free of sanitary defects. Beginning June 29, 1994, the commissioner shall not reduce the monitoring frequency for a noncommunity water system using only ground water (except ground water under the direct influence of surface water, as defined in ~~section 1(29)~~ **section 1(36)** of this rule) and serving one thousand (1,000) or fewer persons to less than once per year.

(2) A noncommunity water system:

(A) using only ground water (except ground water under the direct influence of surface water, as defined in ~~section 1(29)~~ **section 1(36)** of this rule); and

(B) serving more than one thousand (1,000) persons during any month;

must monitor at the same frequency as a like-sized community water system, as specified in subsection (b), except the commissioner may reduce this monitoring frequency, in writing, for any month the system serves one thousand (1,000) or fewer persons. The commissioner shall not reduce the monitoring frequency to less than once per year. For systems using ground water under the direct influence of surface water, subdivision (4) applies.

(3) A noncommunity water system using surface water, in total or in part, must monitor at the same frequency as a like-sized community water system, as specified in subsection (b), regardless of the number of persons it serves.

(4) A noncommunity water system using ground water under the direct influence of surface water, as defined in ~~section 1(29)~~ **section 1(36)** of this rule, must monitor at the same frequency as a like-sized community water system specified in subsection (b). The system must begin monitoring at this frequency beginning six (6) months after the commissioner determines that the ground water is under the direct influence of surface water.

(d) The public water system must collect samples at regular time intervals throughout the

month, except ~~that~~ a system ~~which~~ **that:**

(1) uses only ground water (except ground water under the direct influence of surface water, as defined in ~~section 1(29)~~ **section 1(36)** of this rule); and

(2) serves four thousand nine hundred (4,900) persons or fewer;

may collect all required samples on a single day if they are taken from different sites.

(e) Special purpose samples, such as those taken to determine whether disinfection practices are sufficient following pipe placement, replacement, or repair, shall not be used to determine compliance with the MCL for total coliforms in section 7 of this rule. Repeat samples taken under section 8.1 of this rule:

(1) are not considered special purpose samples; and

(2) must be used to determine compliance with the MCL for total coliforms required by section 7 of this rule.

Any sample not designated as special purpose ~~prior to~~ **before** analysis by the laboratory shall be used to determine compliance with the MCL for total coliforms in section 7 of this rule.

(f) A total coliform-positive sample invalidated under this subsection does not count towards meeting the minimum monitoring requirements of this section. The total coliform-positive sample may be invalidated only if the following conditions are met:

(1) The laboratory establishes that improper sample analysis caused the total coliform-positive result.

(2) The commissioner, on the basis of the results of repeat samples collected as required by section 8.1(a) through 8.1(d) of this rule, determines that the total coliform-positive sample resulted from a domestic or other nondistribution system plumbing problem. The commissioner cannot invalidate a sample on the basis of repeat sample results unless all repeat samples collected:

(A) at the same tap as the original total coliform-positive sample are also total coliform-positive; and ~~all repeat samples collected~~

(B) within five (5) service connections of the original tap are total coliform-negative.

For example, the commissioner cannot invalidate a total coliform-positive sample on the basis of repeat samples if all the repeat samples are total coliform-negative or if the public water system has only one (1) service connection.

(3) The commissioner has substantial grounds to believe that a total coliform-positive result is due to a circumstance or condition ~~which~~ **that** does not reflect water quality in the distribution system. In this case, the system must still collect all repeat samples required by section 8.1(a) through 8.1(d) of this rule and use them to determine compliance with the MCL for total coliforms in section 7 of this rule. To invalidate a total coliform-positive sample under this subsection, the decision must be documented, in writing, and approved and signed by the supervisor of the state official who recommended the decision. The commissioner must make this document available to EPA and the public. The written documentation must state **the following:**

(A) The specific cause of the total coliform-positive sample. ~~and~~

(B) What action the system has taken, or will take, to correct this problem.

The commissioner may not invalidate a total coliform-positive sample solely on the grounds that all repeat samples are total coliform-negative.

(4) A laboratory must invalidate a total coliform sample, unless total coliforms are detected, if the sample:

(A) produces a turbid culture in the absence of:

(i) gas production using an analytical method where gas formation is examined, for example, the multiple-tube fermentation technique; ~~produces a turbid culture in the absence of~~ **or**

(ii) an acid reaction in the presence-absence (P-A) coliform test; or

(B) exhibits confluent growth or produces colonies too numerous to count with an analytical method using a membrane filter, for example, the membrane filter technique.

If a laboratory invalidates a sample because of such interference, the system must collect another sample from the same location as the original sample within twenty-four (24) hours of being notified of the interference problem and have it analyzed for the presence of total coliforms. The system must continue to resample within twenty-four (24) hours and have the samples analyzed until it obtains a valid result. The commissioner may waive the twenty-four (24) hour time limit on a case-by-case basis.

(Water Pollution Control Board; 327 IAC 8-2-8; filed Sep 24, 1987, 3:00 p.m.: 11 IR 707; filed Dec 28, 1990, 5:10 p.m.: 14 IR 1019; errata filed Jan 9, 1991, 2:30 p.m.: 14 IR 1070; errata filed Aug 6, 1991, 3:45 p.m.: 14 IR 2258; filed Apr 12, 1993, 11:00 a.m.: 16 IR 2155; filed Jul 23, 2001, 1:02 p.m.: 24 IR 3965)

SECTION 2. 327 IAC 8-2-24 IS AMENDED TO READ AS FOLLOWS:

327 IAC 8-2-24 Use of noncentralized treatment devices

Authority: IC 13-13-5; IC 13-14-8-7; IC 13-14-9; IC 13-18-3; IC 13-18-16

Affected: IC 13-18

Sec. 24. **(a) Public water systems may use point-of-entry devices to comply with maximum contaminant levels (MCLs) only if they meet the requirements of this section.**

(b) It is the responsibility of the public water system to operate and maintain the point-of-entry treatment system.

(c) The public water system must develop a monitoring plan and obtain approval from the commissioner before point-of-entry devices are installed for compliance. The commissioner may approve a plan if point-of-entry devices provide health protection equivalent to central water treatment. For purposes of this section, "equivalent" means that water would:

(1) meet all national primary drinking water regulations; and

(2) be of acceptable quality similar to water distributed by a central treatment plant

meeting the maximum contaminant level.
Monitoring must include physical measurements and observations.

(d) Effective technology must be properly applied under a plan approved by the commissioner, and the microbiological safety of the water must be maintained.

(1) Prior to installation, the commissioner shall require:

(A) certification of performance;

(B) field testing; and

(C) design review;

of all point-of-entry devices.

(2) The design and application of the point-of-entry devices must consider the tendency for increase in heterotrophic bacteria concentrations in water treated with activated carbon. It may be necessary to use:

(A) frequent backwashing;

(B) post-contact disinfection; and

(C) heterotrophic plate count monitoring;

to ensure that the microbiological safety of the water is not compromised.

(e) All consumers shall be protected by ensuring that every building connected to the system has a point-of-entry device installed, maintained, and adequately monitored. The rights and responsibilities of the public water system customer shall convey with title upon sale of property.

(f) Public water systems shall not use bottled water to achieve compliance with an MCL. Upon approval by the commissioner, bottled water ~~point-of-use, or point-of-entry treatment devices~~ may be used on a temporary basis to avoid an unreasonable risk to health. *(Water Pollution Control Board; 327 IAC 8-2-24; filed Dec 28, 1990, 5:10 p.m.: 14 IR 1042; filed Aug 24, 1994, 8:15 a.m.: 18 IR 65; filed Jul 23, 2001, 1:02 p.m.: 24 IR 3977)*

SECTION 3. 327 IAC 8-2.1-3, AS AMENDED AT 28 IR 3223, SECTION 19, IS AMENDED TO READ AS FOLLOWS:

327 IAC 8-2.1-3 Content of the reports

Authority: IC 13-13-5-1; IC 13-13-5-2; IC 13-18-16-6; IC 13-18-16-7; IC 13-18-16-9
Affected: IC 13-18-16

Sec. 3. (a) A CWS shall provide to its customers an annual report that contains the information specified in this section and section 4 of this rule.

(b) The report must contain information on the source of the water delivered, including the following:

(1) The source or sources of water delivered by the CWS by including information on the **following**:

(A) **The** type of water, such as surface water or ground water. ~~and~~
(B) **The** commonly used name, if any. ~~and~~
(C) **The** location of the body or bodies of water.

(2) If a source water assessment has been completed, the report must notify the consumers of the availability of this information and the means to obtain it. In addition, systems are encouraged to highlight in the report significant sources of contamination in the source water area if they have readily available information. Where a system has received a source water assessment from the commissioner, the report must include a brief summary of the system's susceptibility to potential sources of contamination, using language provided by the commissioner or written by the operator.

(c) The report must include the following definitions:
(1) "Maximum contaminant level" or "MCL" means the highest level of a contaminant that is allowed in drinking water. MCLs are set as close to the MCLGs as feasible using the best available treatment technology.
(2) "Maximum contaminant level goal" or "MCLG" means the level of a contaminant in drinking water below which there is no known or expected risk to health. MCLGs allow for a margin of safety.

(d) A report that contains data on contaminants that the department or EPA regulates and uses any of the following terms must include definitions, as applicable, of the terms used:
(1) "Action level" means the concentration of a contaminant that, if exceeded, triggers treatment or other requirements that a water system shall follow.
(2) "Maximum residual disinfectant level" or "MRDL" means the highest level of a disinfectant allowed in drinking water. There is convincing evidence that addition of a disinfectant is necessary for control of microbial contaminants.
(3) "Maximum residual disinfectant level goal" or "MRDLG" means the level of a drinking water disinfectant below which there is no known or expected risk to health. MRDLG does not reflect the benefits of the use of disinfectants to control microbial contaminants.
(4) "Treatment technique" means a required process intended to reduce the level of a contaminant in drinking water.

(e) A report must include the information specified in this subsection for the following contaminants subject to mandatory monitoring, other than Cryptosporidium:
(1) Contaminants subject to an MCL, action level, or treatment technique, hereafter referred to as regulated contaminants.
(2) Disinfection byproducts or microbial contaminants for which monitoring is required by 40 CFR 141.142* and 40 CFR 141.143*, except as provided in subsection (f)(1) and that are detected in the finished water.
(3) Contaminants for which monitoring is required by 40 CFR 141.40* (unregulated contaminants).
~~(3)~~ **(4)** The data relating to these contaminants must be displayed in one (1) table or in

several adjacent tables. Any additional monitoring results that a CWS chooses to include in its report must be displayed separately.

~~(4)~~ **(5)** The data must be derived from data collected to comply with EPA and department monitoring and analytical requirements during calendar year 1998 for the first report and subsequent calendar years thereafter, except the following:

(A) Where a system is allowed to monitor for regulated contaminants less often than once a year, the:

(i) table or tables must include the date and results of the most recent sampling; and ~~the~~

(ii) report must include a brief statement indicating that the data presented in the report are from the most recent testing done in accordance with 327 IAC 8-2, 327 IAC 8-2.5, 327 IAC 8-2.6, and 40 CFR 141.

No data older than five (5) years need be included.

(B) Results of monitoring in compliance with 40 CFR 141.142* and 40 CFR 141.143* need only be included:

(i) for five (5) years from the date of the last sample; or

(ii) until any of the detected contaminants becomes regulated and subject to routine monitoring requirements;

whichever comes first.

~~(5)~~ **(6)** For detected regulated contaminants listed in section 6(a) of this rule, the table or tables must contain the following information:

(A) The MCL for that contaminant expressed as a number equal to or greater than one and zero-tenths (1.0), as listed in section 6(a) of this rule.

(B) The MCLG for that contaminant expressed in the same units as the MCL.

(C) If there is no MCL for a detected contaminant, the:

(i) table must indicate that there is a treatment technique, or specify the action level, applicable to that contaminant; and ~~the~~

(ii) report shall include the definitions for treatment technique or action level, or both, as appropriate, specified in subsection (d).

(D) For contaminants subject to an MCL, except turbidity and total coliforms, the highest contaminant level used to determine compliance with this rule and the range of detected levels as follows:

(i) When compliance with the MCL is determined annually or less frequently, the highest detected level at any sampling point and the range of detected levels expressed in the same units as the MCL.

(ii) When compliance with the MCL is determined by calculating a running annual average of all samples taken at a sampling point, the highest average of any of the sampling points and the range of all sampling points expressed in the same units as the MCL.

(iii) When compliance with the MCL is determined on a system-wide basis by calculating a running annual average of all samples at all sampling points, the average and range of detection expressed in the same units as the MCL.

(E) When turbidity is reported under 327 IAC 8-2-8.8 or 327 IAC 8-2.6-3, the highest single measurement and the lowest monthly percentage of samples meeting the turbidity limits specified in 327 IAC 8-2-8.8 or 327 IAC 8-2.6-3 for the filtration technology being used. The report must include an explanation of the reasons for measuring turbidity.

(F) For lead and copper, the:

(i) ninetieth percentile value of the most recent round of sampling; and ~~the~~

(ii) number of sampling sites exceeding the action level.

(G) For total coliform, the highest monthly:

(i) number of positive samples for systems collecting fewer than forty (40) samples per month; or

(ii) percentage of positive samples for systems collecting at least forty (40) samples per month.

(H) For fecal coliform, the total number of positive samples.

(I) The likely source or sources of detected contaminants to the best of the operator's knowledge. Specific information regarding contaminants:

(i) may be available in sanitary surveys and source water assessments; and

(ii) must be used when available to the operator.

If the operator lacks specific information on the likely source, the report must include one (1) or more of the typical sources for that contaminant listed in section 6(b) of this rule that are most applicable to the system.

~~(6)~~ **(7)** If a CWS distributes water to its customers from multiple hydraulically independent distribution systems that are fed by different raw water sources:

(A) the table must contain a separate column for each service area, and the report must identify each separate distribution system; or

(B) the system may produce separate reports tailored to include data for each service area.

~~(7)~~ **(8)** The table must clearly identify any data indicating violations of MCLs or treatment techniques, and the report must contain a clear and readily understandable explanation of the violation, including **the following**:

(A) The length of the violation.

(B) The potential adverse health effects. ~~and~~

(C) Actions taken by the system to address the violation.

To describe the potential health effects, the system shall use the relevant language of section 6(c) of this rule.

~~(8)~~ **(9)** For detected unregulated contaminants for which monitoring is required (except Cryptosporidium), the table must contain the average and range at which the contaminant was detected. The report may include a brief explanation of the reasons for monitoring for unregulated contaminants.

(f) Each report must contain the following information on Cryptosporidium, radon, and other contaminants:

(1) If the system has performed any monitoring for Cryptosporidium, including

monitoring performed to satisfy the requirements of 40 CFR 141.143*, that indicates Cryptosporidium may be present in the source water or the finished water, the report must include **the following**:

(A) A summary of the results of the monitoring. ~~and~~

(B) An explanation of the significance of the results.

(2) If the system has performed any monitoring for radon that indicates radon may be present in the finished water, the report must include **the following**:

(A) The results of the monitoring. ~~and~~

(B) An explanation of the significance of the results.

(3) If the system has performed additional monitoring that indicates the presence of other contaminants in the finished water, the commissioner strongly encourages systems to report any results that may indicate a health concern. To determine if results may indicate a health concern, the commissioner recommends that systems find out if EPA has proposed a national primary drinking water regulation (NPDWR) or issued a health advisory for that contaminant by calling the Safe Drinking Water Hotline at (800) 426-4791. The commissioner and EPA consider levels detected above a proposed federal or state MCL or health advisory level to indicate possible health concerns. For such contaminants, the commissioner recommends that the report includes **the following**:

(A) The results of the monitoring. ~~and~~

(B) An explanation of the significance of the results noting the existence of a health advisory or a proposed regulation.

(g) In addition to the requirements of subsection ~~(e)(5),~~ **(e)(6),** the report must note any violation of a requirement listed in this subsection that occurred during the year covered by the report and include a clear and readily understandable explanation of the violation, any potential adverse health effects, and the steps the system has taken to correct the violation. Violations of the following requirements must be included:

(1) Monitoring and reporting of compliance data.

(2) Filtration and disinfection prescribed by 327 IAC 8-2-8.5 and 327 IAC 8-2-8.6. For systems that have:

(A) failed to install adequate filtration or disinfection equipment or processes; or ~~have~~

(B) had a failure of such equipment or processes that constitutes a violation;

the report must include the following language as part of the explanation of potential health effects, “inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.”.

(3) Lead and copper control requirements prescribed by 327 IAC 8-2-36 through 327 IAC 8-2-47. For systems that fail to take one (1) or more actions prescribed by 327 IAC 8-2-36(d) or 327 IAC 8-2-40 through 327 IAC 8-2-43, the report must include the applicable language from section 6(c) of this rule for lead or copper, or both.

(4) Treatment techniques for acrylamide and epichlorohydrin prescribed by 327 IAC 8-2-35. For systems that violate 327 IAC 8-2-35, the report shall include the relevant

language from section 6(c) of this rule.
(5) Record keeping of compliance data.
(6) Special monitoring requirements prescribed by 327 IAC 8-2-21.
(7) Violation of the terms of an administrative or judicial order.

(h) The following additional information must be contained in the report:
(1) A brief explanation regarding contaminants that may reasonably be expected to be found in drinking water, including bottled water. This explanation may include the language in clauses (A) through (C), or systems may use their own comparable language. The report must also include the language of clause (D). The language is as follows:

(A) The sources of drinking water (both tap water and bottled water) include rivers, lakes, streams, ponds, reservoirs, springs, and wells. As water travels over the surface of the land or through the ground, it:

(i) dissolves naturally-occurring minerals and, in some cases, radioactive material; and

(ii) can pick up substances resulting from the presence of animals or from human activity.

(B) Contaminants that may be present in source water include the following:

(i) Microbial contaminants, such as viruses and bacteria, that may come from **the following:**

(AA) Sewage treatment plants.
(BB) Septic systems.
(CC) Agricultural livestock operations. ~~and~~
(DD) Wildlife.

(ii) Inorganic contaminants, such as salts and metals, that can be naturally-occurring or result from **any of the following:**

(AA) Urban stormwater run-off.
(BB) Industrial or domestic wastewater discharges.
(CC) Oil and gas production.
(DD) Mining. ~~or~~
(EE) Farming.

(iii) Pesticides and herbicides that may come from a variety of sources, such as **the following:**

(AA) Agriculture.
(BB) Urban storm water run-off. ~~and~~
(CC) Residential uses.

(iv) Organic chemical contaminants, including synthetic and volatile organic chemicals, that:

(AA) are byproducts of industrial processes and petroleum production; and

(BB) can also come from gas stations, urban storm water run-off, and septic systems.

(v) Radioactive contaminants that can be:

(AA) naturally-occurring; or ~~be~~

(BB) the result of oil and gas production and mining activities.

(C) In order to ensure that tap water is safe to drink, the department and EPA prescribe regulations that limit the amount of certain contaminants in water provided by public water systems. Federal Drug Administration (FDA) regulations establish limits for contaminants in bottled water that must provide the same protection for public health.

(D) Drinking water, including bottled water, may reasonably be expected to contain at least small amounts of some contaminants. The presence of contaminants does not necessarily indicate that the water poses a health risk. More information about contaminants and potential health effects can be obtained by calling the Environmental Protection Agency's Safe Drinking Water Hotline at (800) 426-4791.

(2) The telephone number of the owner, operator, or designee of the CWS as a source of additional information concerning the report.

(3) In communities with a large proportion of non-English speaking residents, in which twenty percent (20%) or more of the residents speak the same language other than English, the report must contain:

(A) information in the appropriate language or languages regarding the importance of the report; or

(B) a telephone number or address where ~~such~~ **the** residents may contact the system to obtain:

(i) a translated copy of the report; or

(ii) assistance in the appropriate language.

(4) The report must include information about opportunities for public participation in decisions that may affect the quality of water. This information may include, but is not limited to, the time and place of regularly scheduled board meetings.

(5) The systems may include ~~such~~ **any** additional information as they deem necessary for public education consistent with, and not detracting from, the purpose of the report.

*The Code of Federal Regulations (CFR) citations are incorporated by reference into this rule and are available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402 or from the Indiana Department of Environmental Management, Office of Water Quality, Indiana Government Center-North, ~~Twelfth Floor, Room N1255,~~ 100 North Senate Avenue, **Room N1255,** Indianapolis, Indiana 46204. *(Water Pollution Control Board; 327 IAC 8-2.1-3; filed Mar 22, 2000, 3:23 p.m.: 23 IR 1899; filed Jul 23, 2001, 1:02 p.m.: 24 IR 3982; filed Nov 20, 2001, 10:20 a.m.: 25 IR 1098; filed May 1, 2003, 12:00 p.m.: 26 IR 2818; filed Jun 13, 2005, 2:30 p.m.: 28 IR 3223; errata filed Jul 6, 2005, 3:15 p.m.: 28 IR 3583)*

SECTION 4. 327 IAC 8-2.1-10 IS AMENDED TO READ AS FOLLOWS:

327 IAC 8-2.1-10 Tier 3 public notice; form, manner, and frequency of notice

Authority: IC 13-13-5-1; IC 13-13-5-2; IC 13-18-16-6; IC 13-18-16-7; IC 13-18-16-9

Affected: IC 13-18-16

Sec. 10. (a) The following violations or situations require a Tier 3 public notice:
(1) Monitoring violations under 327 IAC 8-2, except where:
(A) a Tier 1 notice is required under section 8 of this rule; or ~~where~~
(B) the commissioner determines that a Tier 2 notice is required.
(2) Failure to comply with a testing procedure established in 327 IAC 8-2, except where:
(A) a Tier 1 notice is required under section 8(a) of this rule; or ~~where~~
(B) the commissioner determines that a Tier 2 notice is required.
(3) Exceedance of the fluoride secondary maximum contaminant level (SMCL) as required under section 13 of this rule.
(4) Availability of unregulated contaminant monitoring results as required under section 14.5 of this rule.

(b) Tier 3 public notice needs to be provided as follows:
(1) Public water systems must provide the public notice not later than one (1) year after the public water system learns of the violation or situation. Following the initial notice, the public water system must repeat the notice annually for as long as the violation or other situation persists. If the public notice is posted, the notice must remain in place for as long as the violation or other situation persists, but in no case less than seven (7) days even if the violation or situation is resolved.
(2) Instead of individual Tier 3 public notices, a public water system may use an annual report detailing all violations and situations that occurred during the previous twelve (12) months, as long as the timing requirements of subdivision (1) are met.

(c) Public water systems must provide the initial notice and any repeat notices in a form and manner that is reasonably calculated to reach persons served in the required time period. The form and manner of the public notice may vary based on the specific situation and type of water system, but it must, at a minimum, meet the following requirements:
(1) Unless directed otherwise by the commissioner in writing, community water systems must provide notice by the following methods:
(A) Mail or other direct delivery to **the following:**
(i) Each customer receiving a bill. ~~and to~~
(ii) Other service connections to which water is delivered by the public water system.
(B) Any other method reasonably calculated to reach other persons regularly served by the system, if they would not normally be reached by the notice required in clause (A). These persons may include those who do not pay water bills or do not have service connection addresses, such as any of the following:
(i) House renters.
(ii) Apartment dwellers.
(iii) University students.
(iv) Nursing home patients.
(v) Prison inmates.
(C) Other methods may include any of the following:

(i) Publication in a local newspaper.
(ii) Delivery of multiple copies for distribution by customers that provide their drinking water to others, such as **either of the following**:
(AA) Apartment building owners. ~~or~~
(BB) Large private employers.
(iii) Posting in public places or on the Internet.
(iv) Delivery to community organizations.

(2) Unless directed otherwise by the commissioner in writing, noncommunity water systems must provide notice by the following methods:

(A) Posting the notice in conspicuous locations throughout the distribution system frequented by persons served by the system, or by mail or direct delivery to each customer and service connection if known.
(B) Any other method reasonably calculated to reach other persons served by the system, if they would not normally be reached by the notice required in item (i). Such persons may include those who may not see a posted notice because the notice is not in a location they routinely pass by. Other methods may include **any of the following**:
(i) Publication in a local newspaper or newsletter distributed to customers.
(ii) Use of e-mail to notify employees or students. ~~or~~
(iii) Delivery of multiple copies in central locations such **as** community centers.

(d) For community water systems, the consumer confidence report (CCR) required under sections 1 through 6 of this rule may be used as a vehicle for the initial Tier 3 public notice and all required repeat notices as long as:

(1) the CCR is provided to persons served ~~no~~ **not** later than twelve (12) months after the system learns of the violation or situation as required in this section;
(2) the Tier 3 notice contained in the CCR follows the content requirements under section 11 of this rule; and
(3) the CCR is distributed following the delivery requirements under subsection (c).

(Water Pollution Control Board; 327 IAC 8-2.1-10; filed Nov 20, 2001, 10:20 a.m.: 25 IR 1111)

SECTION 5. 327 IAC 8-2.1-14.5 IS ADDED TO READ AS FOLLOWS:

327 IAC 8-2.1-14.5 Special notice of the availability of unregulated contaminant monitoring results

Authority: IC 13-13-5-1; IC 13-13-5-2; IC 13-18-16-6; IC 13-18-16-7; IC 13-18-16-9
Affected: IC 13-18-16

Sec. 14.5. (a) The owner or operator of a community water system or nontransient noncommunity water system required to monitor under 40 CFR 141.40 must notify persons served by the system of the availability of the results of the sampling not later than twelve (12) months after the monitoring results are known.

(b) The form and manner of the public notice must follow the requirements of the Tier 3 public notice described in section 10 of this rule. The notice must also:

(1) identify a person; and

(2) provide the telephone number;

to contact for information on the monitoring results. *(Water Pollution Control Board; 327 IAC 8-2.1-14.5)*

SECTION 6. 327 IAC 8-2.1-16, AS AMENDED AT 28 IR 3236, SECTION 25, IS AMENDED TO READ AS FOLLOWS:

327 IAC 8-2.1-16 Drinking water violations; other situations requiring public notice

Authority: IC 13-13-5-1; IC 13-13-5-2; IC 13-18-16-6; IC 13-18-16-7; IC 13-18-16-9

Affected: IC 13-18-16

Sec. 16. (a) Drinking water violations and other situations that require public notice according to this rule are contained in the following table:

Table 16. Drinking Water Violations and Other Situations Requiring Public Notice

	MCL/MRDL/TT/AL Violations		Monitoring and Testing Procedure Violations	
Contaminant	Tier of Public Notice Required	Citation	Tier of Public Notice Required	Citation
I. Violations of Drinking Water Regulations:				
A. Microbiological Contaminants				
1. Total coliform	2	327 IAC 8-2-7(a)	3	327 IAC 8-2-8 327 IAC 8-2-8.1 327 IAC 8-2-8(f) 327 IAC 8-2-8.2 327 IAC 8-2-8.3
2. Fecal coliform/E. coli	1	327 IAC 8-2-7(b)	1, 3	327 IAC 8-2-8.3
3. Turbidity TT (resulting from a single exceedance of maximum allowable turbidity levels)	2,1	327 IAC 8-2-8.5(a) 327 IAC 8-2.6-3(1)(B) 327 IAC 8-2.6-3(2) 327 IAC 8-2.6-3(3)	3	327 IAC 8-2-8.8(b) 327 IAC 8-2.6-4
4. Surface water treatment rule violations, other than violations resulting from single exceedance of maximum allowable turbidity level (TT)	2	327 IAC 8-2-8.5 327 IAC 8-2-8.6	3	327 IAC 8-2-8.8

5. Interim enhanced surface water treatment rule violations, other than violations resulting from single exceedance of maximum allowable turbidity level (TT)	2	327 IAC 8-2.6-1 327 IAC 8-2.6-2 327 IAC 8-2.6-3	3	327 IAC 8-2.6-2 327 IAC 8-2.6-4
6. Filter backwash recycling rule	2	327 IAC 8-2.6-6	3	327 IAC 8-2.6-6
7. Long term 1 enhanced surface water treatment rule violations, other than violations resulting from single exceedance of maximum allowable turbidity level (TT)	2	327 IAC 8-2.6-1 327 IAC 8-2.6-2.1 327 IAC 8-2.6-3	3	327 IAC 8-2.6-2.1 327 IAC 8-2.6-4
B. Inorganic Chemicals (IOCs)				
1. Antimony	2	327 IAC 8-2-4(d)	3	327 IAC 8-2-4.1(c) 327 IAC 8-2-4.1(e)
2. Arsenic	2	327 IAC 8-2-4(d)	3	327 IAC 8-2-4.1(c) 327 IAC 8-2-4.1(e)
3. Asbestos (fibers >10 µm)	2	327 IAC 8-2-4(d)	3	327 IAC 8-2-4.1(c) 327 IAC 8-2-4.1(d)
4. Barium	2	327 IAC 8-2-4(d)	3	327 IAC 8-2-4.1(c) 327 IAC 8-2-4.1(e)
5. Beryllium	2	327 IAC 8-2-4(d)	3	327 IAC 8-2-4.1(c) 327 IAC 8-2-4.1(e)
6. Cadmium	2	327 IAC 8-2-4(d)	3	327 IAC 8-2-4.1(c) 327 IAC 8-2-4.1(e)
7. Chromium (total)	2	327 IAC 8-2-4(d)	3	327 IAC 8-2-4.1(c) 327 IAC 8-2-4.1(e)
8. Cyanide	2	327 IAC 8-2-4(d)	3	327 IAC 8-2-4.1(c) 327 IAC 8-2-4.1(e)
9. Fluoride	2	327 IAC 8-2-4(c)	3	327 IAC 8-2-4.1(c) 327 IAC 8-2-4.1(e)
10. Mercury (inorganic)	2	327 IAC 8-2-4(d)	3	327 IAC 8-2-4.1(c) 327 IAC 8-2-4.1(e)
11. Nitrate	1	327 IAC 8-2-4(b)	1, 3	327 IAC 8-2-4.1(c) 327 IAC 8-2-4.1(f) 327 IAC 8-2-4.1(h)(2)

12. Nitrite	1	327 IAC 8-2-4(b)	1, 3	327 IAC 8-2-4.1(c) 327 IAC 8-2-4.1(g) 327 IAC 8-2-4.1(h)(2)
13. Total nitrate and nitrite	1	327 IAC 8-2-4(b)	3	327 IAC 8-2-4.1(c)
14. Selenium	2	327 IAC 8-2-4(d)	3	327 IAC 8-2-4.1(c) 327 IAC 8-2-4.1(e)
15. Thallium	2	327 IAC 8-2-4(d)	3	327 IAC 8-2-4.1(c) 327 IAC 8-2-4.1(e)
C. Lead and Copper Rule				
1. Lead and copper rule (TT)	2	327 IAC 8-2-36 327 IAC 8-2-40 327 IAC 8-2-41 327 IAC 8-2-42 327 IAC 8-2-43 327 IAC 8-2-44	3	327 IAC 8-2-37 327 IAC 8-2-38 327 IAC 8-2-39 327 IAC 8-2-45
D. Synthetic Organic Chemicals (SOCs)				
1. 2,4-D	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
2. 2,4,5-TP (silvex)	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
3. Alachlor	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
4. Atrazine	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
5. Benzo[a]pyrene (PAHs)	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
6. Carbofuran	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
7. Chlordane	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
8. Dalapon	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
9. Di (2-ethylhexyl) adipate	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
10. Di (2-ethylhexyl) phthalate	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
11. Dibromochloropropane	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
12. Dinoseb	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
13. Dioxin (2,3,7,8-TCDD)	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
14. Diquat	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
15. Endothall	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
16. Endrin	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
17. Ethylene dibromide	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
18. Glyphosate	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
19. Heptachlor	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
20. Heptachlor epoxide	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
21. Hexachlorobenzene	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1

22. Hexachlorocyclopentadiene	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
23. Lindane	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
24. Methoxychlor	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
25. Oxamyl (vydate)	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
26. Pentachlorophenol	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
27. Picloram	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
28. Polychlorinated biphenyls (PCBs)	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
29. Simazine	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
30. Toxaphene	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
E. Volatile Organic Chemicals (VOCs)				
1. Benzene	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
2. Carbon tetrachloride	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
3. Chlorobenzene (monochlorobenzene)	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
4. o-Dichlorobenzene	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
5. p-Dichlorobenzene	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
6. 1,2-Dichloroethane	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
7. 1,1-Dichloroethylene	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
8. cis-1,2-Dichloroethylene	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
9. trans-1,2-Dichloroethylene	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
10. Dichloromethane	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
11. 1,2-Dichloropropane	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
12. Ethylbenzene	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
13. Styrene	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
14. Tetrachloroethylene	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
15. Toluene	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
16. 1,2,4-Trichlorobenzene	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
17. 1,1,1-Trichloroethane	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
18. 1,1,2-Trichloroethane	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
19. Trichloroethylene	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
20. Vinyl chloride	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
21. Xylenes (total)	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
F. Radioactive Contaminants				
1. Beta/photon emitters	2	327 IAC 8-2-10	3	327 IAC 8-2-10.2 327 IAC 8-2-10.2(b)

2. Alpha emitters	2	327 IAC 8-2-9(2)	3	327 IAC 8-2-10.2 327 IAC 8-2-10.2(a)
3. Combined radium (226 and 228)	2	327 IAC 8-2-9(1)	3	327 IAC 8-2-10.2 327 IAC 8-2-10.2(a)
4. Uranium	2	327 IAC 8-2-9(3)	3	327 IAC 8-2-10.2 327 IAC 8-2-10.2(a)
G. Disinfection Byproducts (DBPs). Where disinfection is used in the treatment of drinking water, disinfectants combine with organic and inorganic matter present in water to form chemicals called disinfection byproducts (DBPs). EPA sets standards for controlling the levels of DBPs in drinking water.				
1. Total trihalomethanes (TTHMs)	2	327 IAC 8-2-5(a) and 327 IAC 8-2-5(c)	3	327 IAC 8-2-5.3
2. Haloacetic acids (HAA5)	2	327 IAC 8-2.5-2(a)	3	327 IAC 8-2.5-6(a) and 327 IAC 8-2.5-6(b)
3. Bromate	2	327 IAC 8-2.5-2(a)	3	327 IAC 8-2.5-6(a) and 327 IAC 8-2.5-6(b)
4. Chlorite	2	327 IAC 8-2.5-2(a)	3	327 IAC 8-2.5-6(a) and 327 IAC 8-2.5-6(b)
5. Chlorine (MRDL)	2	327 IAC 8-2.5-3(a)	3	327 IAC 8-2.5-6(a) and 327 IAC 8-2.5-6(c)
6. Chloramine (MRDL)	2	327 IAC 8-2.5-3(a)	3	327 IAC 8-2.5-6(a) and 327 IAC 8-2.5-6(c)
7. Chlorine dioxide (MRDL), where any 2 consecutive daily samples at entrance to distribution system only are above MRDL	2	327 IAC 8-2.5-3(a)	2, 3	327 IAC 8-2.5-6(a), 327 IAC 8-2.5-6(c), and 327 IAC 8-2.5-7(c)(2)
8. Chlorine dioxide (MRDL), where samples in distribution system the next day are also above MRDL	1	327 IAC 8-2.5-3(a)	1	327 IAC 8-2.5-6(a), 327 IAC 8-2.5-6(c), and 327 IAC 8-2.5-7(c)(2)

9. Control of DBP precursors - TOC (TT)	2	327 IAC 8-2.5-9(a) and 327 IAC 8-2.5-9(b)	3	327 IAC 8-2.5-6(a) and 327 IAC 8-2.5-6(d)
10. Bench marking and disinfection profiling	N/A	N/A	3	327 IAC 8-2.6-2 327 IAC 8-2.6-2.1
11. Development of monitoring plan	N/A	N/A	3	327 IAC 8-2.5-6(f)
H. Other Treatment Techniques				
1. Acrylamide (TT)	2	327 IAC 8-2-35	N/A	N/A
2. Epichlorohydrin (TT)	2	327 IAC 8-2-35	N/A	N/A
II. Unregulated Contaminant Monitoring:				
A. Nickel	N/A	N/A	3	327 IAC 8-2-4.1(e)
B. Unregulated contaminant monitoring	**N/A**	**N/A**	**3**	**40 CFR 141.40***
III. Other Situations Requiring Public Notification:				
A. Fluoride secondary maximum contaminant level (SMCL) exceedance	3	40 CFR ~~§~~ 143.3*	N/A	N/A
B. Exceedance of nitrate MCL for noncommunity systems, as allowed by the commissioner	1	327 IAC 8-2-4(b)	N/A	N/A
C. Availability of unregulated contaminant monitoring data	**3**	**40 CFR 141.40***	**N/A**	**N/A**
~~C.~~ **D.** Waterborne disease outbreak	1	327 IAC 8-2-1	N/A	N/A
~~D.~~ **E.** Other waterborne emergency	1	N/A	N/A	N/A
~~E.~~ **F.** Other situations as determined by the commissioner	1, 2, 3	N/A	N/A	N/A

Key:
MCL = Maximum contaminant level.
MRDL = Maximum residual disinfectant level.
TT = Treatment technique.
Violations of drinking water regulations include violations of MCL, MRDL, treatment technique, monitoring, and testing procedure requirements.

(b) Drinking water violations and other situations that require public notice according to this rule are contained in the following provisions:

(1) Violations and other situations not listed in Table 16 in subsection (a), such as reporting violations and failure to prepare **the** consumer confidence report do not require notice, unless otherwise determined by the commissioner. The commissioner may~~, at their option, also~~ require a more stringent public notice tier, such as:

(A) Tier 1 instead of Tier 2; or

(B) Tier 2 instead of Tier 3;

for specific violations and situations listed in Table 16 in subsection (a).

(2) Failure to test for fecal coliform or E. coli is a Tier 1 violation if testing is not done after any repeat sample tests positive for coliform. All other total coliform monitoring and testing procedure violations are Tier 3.

(3) Systems with treatment technique violations involving a single exceedance of maximum turbidity limit under the:

(A) surface water treatment rule (SWTR);

(B) interim enhanced surface water treatment rule (IESWTR); or

(C) long term 1 enhanced surface water treatment rule (LT1ESWTR);

are required to initiate consultation with the commissioner within twenty-four (24) hours after learning of the violation. Based on this consultation, the commissioner may subsequently decide to elevate the violation to Tier 1. If a system is unable to make contact with the commissioner in the twenty-four (24) hour period, the violation is automatically elevated to Tier 1.

(4) Failure to take a confirmation sample within twenty-four (24) hours for nitrate or nitrite after an initial sample exceeds the MCL is a Tier 1 Violation. Other monitoring violations for nitrate are Tier 3.

(5) Other waterborne emergencies require a Tier 1 public notice under section 8(a) of this rule for situations that do not meet the definition of a waterborne disease outbreak given in 327 IAC 8-2-1, but that still have the potential to have serious adverse effects on health as a result of short term exposure. These waterborne emergencies could include outbreaks not related to treatment deficiencies, as well as situations that have the potential to cause outbreaks, such as **any of the following**:

(A) Failures or significant interruption in water treatment processes.

(B) Natural disasters that disrupt the water supply or distribution system.

(C) Chemical spills. ~~or~~

(D) Unexpected loading of possible pathogens into the source water.

(6) The commissioner may place other situations in any tier believed appropriate, based on threat to public health.

~~*40 CFR 143.3 is~~ ***The Code of Federal Regulations (CFR) citations are** incorporated by reference and ~~is~~ **are** available for copying at the Indiana Department of Environmental Management, Office of Water Quality, 100 North Senate Avenue, Room N1255, Indianapolis, Indiana 46204. *(Water Pollution Control Board; 327 IAC 8-2.1-16; filed Nov 20, 2001, 10:20 a.m.: 25 IR 1115; errata filed Feb 22, 2002, 2:01 p.m.: 25 IR 2254; filed May 1, 2003, 12:00 p.m.: 26 IR 2829; filed Jun 13, 2005, 2:30 p.m.: 28 IR 3236; errata filed Jul 6, 2005, 3:15 p.m.: 28 IR 3583)*